

Index

- Abortion,
Germany, 153
- Abuse of power,
common law, 455-466
employment law, 455-466
nature of, 455
- Abuse of process,
administration of justice, 433
striking out, 533
- Access to justice, *See* Woolf Report
- Administration of justice,
abuse of process, 433
civil procedure, 532
contempt of court, 329, 532-533, 704
Court Service, 533-534
criminal justice system, delay in, 329
Crown Prosecution Service, 345-346, 534
custody, time spent in, 174-175
delay in criminal justice system, 329
departure from previous decisions, 174-175
fees, 328-329, 533, 704
freemasonry, 534
immunity, judicial, 175, 704
judicial statistics, 705
judiciary, *See* Judiciary
juror, contempt of court, 533
Justices of the Peace, 532
legal aid. *See* Legal aid
miscarriages of justice, 328
press activity, 329
previous decisions, departure from, 174-175
removal of judge, 174
Solicitor-General, 704
time spent in custody, 174-175
- Administrative law,
consensus politics, 245-249, 256
decline of parliament, 250-252
European Court of Justice, 261
New Public Management, 246-247
process model, 253-254
reinventing, 245-261
values in, 256-260
- Administrative procedures,
delay in, 159-173. *See also* Delay
Parliamentary Commissioner on, 159-173
- Advertising regulation, 9-12
Advertising Standards Authority, 9, 10, 12,
British Codes of Practice, 12
- Advertising regulation—*cont.*
charities law, influence of, 615-622
codes, 9
complaints to A.S.A., 12
decency clause, 10-11
"legal, decent, honest and truthful"
requirement, 9
local government, 9
misleading process, 9
Molony Committee, 9
non-commercial sector, 11
offensiveness, 11
political objects, 615-622
political parties, 9-10, 11-12, 176
privacy, 10
Royal family, 10
self-regulation, 12-16
shock tactics, 10
trade descriptions, 9
- Advertising Standards Authority, 9, 10, 12
- Advice, negligent, 557
- Affirmative action,
civil rights and, 43-45
constitutional status, 46-47
European law, 53-54
State controlled, 43-54
U.S. Supreme Court, in, 43-54
- AIDS sufferer, removal of, 544
- Alcohol confiscation, 541
- Allan,
rule of law, 481-484
- Alternative dispute resolution,
sex discrimination. *See* Sex discrimination
- Appointment of judiciary, 175, 534
- Appraisal,
judiciary, 175
- Armed forces,
Germany, 149
human rights, 185
monitoring ethnic origin, 178
- Arrest, powers of,
freedom of person, 182
- Asylum,
alternative remedies, 545-546
assistance to, 546
Conseil d'Etat, decisions of, 199-201
designated countries, 188
fast track appeals, 187

- Asylum—*cont.*
 housing, 335
 payments to asylum seekers, 713
 primary purpose rule, 546
 safe third countries, 337–338
 social security, 394–399
ultra vires and, 394–399
- Attorney-General,
 functions, 91–92
 independence, 92
 role of, 91–92
- Audit,
 resource accounting, 441
- Australia,
 parliamentary sovereignty, 2
 sex discrimination, 298–299
- Bahamas,
 death penalty, 187
- Bias, appearance of, 549
- Bill of Rights,
 Commonwealth, 96–112
 parliamentary sovereignty, 2–4, 96–112
 South Africa, 100–101
- Binding over orders, 556
- Blasphemy, 182–183
- Border control, 538
- Boundary changes, 340
- Broadcasting,
 Act of 1996, 175
 Broadcasting Complaints Commission, 175
 Broadcasting Standards Commission, 175
 Broadcasting Standards Council, 175
 complaints, 705
 digital terrestrial broadcasting, 175
 duties under E.C. law, 175–176
 European law, 175–176
 licences, 175
 party broadcasts, 536–537
 political advertisements, 176
 public service terrestrial channels, 175
 satellite, 705
- BSE crisis, 181
- By-elections, 391–393
- Bylaw, validity of, 192–193
- Caesarian sections, 542–543
- Calcutt Committee, 6
- Child sex abuse victims, 186
- Citizen's Charter, 183–334
- Civil Justice Council, 532
- Civil service,
 code of conduct, 183
 conduct, 183
 Intelligence Services Commissioner Report, 542
 Security Service Commissioner Report, 542
- Code of Practice,
 disability discrimination, 178
- Collateral challenge to,
 enforcement decisions, 365–370
- Common law,
 abuse of power, 455–466
- Commonwealth,
 Bill of Rights, 96–112
 extradition, 540
 parliamentary sovereignty, 96–112
 politicisation of judiciary, 106–111
- Community law,
 misfeasance in public office and breach of, 39–42
- Competition law,
 Conseil d'Etat, decisions of, 559–560
 Concessionary fees, discrimination, 177
- Conduct,
 civil service, 183
 legal profession, 192
- Confidentiality,
 criminal cases, use of documents disclosed in, 706
 data protection, 707
 disclosure to bring proceedings, 534
 Germany, 152–153
 interception of communications, 330, 535
 paedophiles' presence, disclosure of, 705–706
 public interest immunity, 176, 706
 sources, disclosure of, 706
 use of documents disclosed in criminal cases, 534–535
- Conseil d'Etat, decisions of,
 aliens, 351
 asylum application, 199–201
 competition law, 559–560
 Convention on the Rights of the Child, 723–725
 deportation of alien, 353–355
 expulsion of alien, 351–352
 family life, respect for, 352–353
 international custom, 560–562
 judicial review, 351
 public hospitals, liability of, 349–351
 refugee status, 725–726
 torture, 351
- Constitution,
 debate on, 330–535
 devolution, 707–708
 House of Commons debate on, 330
 policing the, 234–244
 Sweden, 488–512
 watchdogs, 234–244
- Constitution Unit,
 aim, 67
 enacting constitutional reform, 68–69
 limitations, 67
 purpose, 67
 reform proposals, 66–74

- Constitution Unit—*cont.*
 reports, 66–74
- Constitutional reform,
 Constitution Unit. *See* Constitution Unit
- devolution in Scotland and Wales, 424–425
- ECHR incorporation, 425
- electoral reform, 426–427
- enacting, 68–69
- freedom of information, 426
- House of Lords, 70–74, 426
- IGC Bill, 425
- local government, 425
- London, 425
- national government, 69–70
- parliament, 425–426
- proportional representation, 427
- proposals, 66–74
- Queen's Speech, 424
- regional government, 69–70, 425
- Scottish devolution. *See* Scottish devolution
- second chamber, 70–74
- Wales, devolution in, 424–425
- Contempt of court, 329, 532–533, 704
- Costs,
 Woolf Report, 220
- Court of Appeal,
 review of year, 329
- Court Service, 533–534
- Criminal injuries compensation,
 judicial review, 339
- personal injuries, 330–331
- Crown,
 lieutenantancies, 535
- Crown Agents tribunal, 20–22
- Crown Prosecution Service,
 division into areas, 534
- duties, 345–346
- Custody, time spent in, 174–175
- Death penalty,
 Bahamas, 187
- Defamation,
 libel. *See* Libel
- Delay,
 administrative procedures, 159–173
- complexity, due to, 162–166
- criminal justice system, 329
- definition, 160–162
- inefficiency, 166
- interim relief, 166–167
- judicial review, 548
- systemic problem of, 167–170
- unnecessary 170–173
- Delegated legislation,
 housing, 185
- Democratic Audit of the United Kingdom,
 80–83
- exporting the index, 80–81
- generally, 80
- Democratic Audit of the United Kingdom—*cont.*
 Human Rights Index, 80
- work in progress, 81–83
- Detention during Her Majesty's pleasure, 344, 554
- Dicey,
 parliamentary sovereignty, 1
- rule of law, 470–474
- Digital terrestrial broadcasting, 175
- Directive,
 failure to implement, 178–179
- working time, 179
- Disability discrimination,
 Code of Practice, 178
- Discourse theory, 692–703
- Discrimination,
 after dismissal, 177
- appeals, after, 177
- armed forces, 177
- compensation, 535–536
- concessionary fees, 177
- disability, Code of Practice, 178
- indirect, 331
- monitoring ethnic origin, 178
- nature of body, 708
- police provision of services, 196
- post dismissal, 177
- qualifying period, 331
- race,
 after dismissal, discrimination, 177
- police provision of services, 196
- sex, *See* Sex discrimination
- DTI inspectors, 544
- Dunblane tribunal, 23–24
- Dworkin, 477–479
- Education,
 Act of 1997, 536
- assisted places scheme, 536, 708
- inspection of schools, 178
- irrationality, 536
- legal profession, 192
- nursery education, 178
- statutes passed, 178
- Elections,
 bank holidays, 389
- by-elections, 391–393
- demise of Crown, 390
- electoral reform, 426–427
- expenses, 331
- funding of political parties, 331
- general, setting date for, 385–393
- mourning days, on, 389–390
- party broadcasts, 536–537
- postal voting, 332
- proxy, voting by, 332
- setting date for, 385–393
- thanksgiving, on, 389

- Elections—*cont.*
 voting arrangements, 332
- Electronic devices,
 parliament, 343
- Emanation of state, 180
- Employment law,
 abuse of process, 455–466
 non-contractual obligations, 455–458
 public law and, 455–466
- Enforcement decisions,
 collateral challenge to, 365–370
- Environment,
 packaging waste, 332
 producer responsibility, 332
- Estoppel *per rem indicatam*,
 town and country planning, 348
- European Community,
 access to documentation held by, 446–454
 birds, protection of, 333
 border control, 538
 BSE crisis, 181
 compensation for breach of law, 537
 damages for breach, 708–709
 developments, 538
 developments in European Union, 181
 documentation held by, 446–454
 emanation of state, 180
 failure to implement Directive, 178–179
 finances, 181
 fundamental principles of law, 180–181
 hearing, right to, 538
 national parliaments, 181
 nationality, 179
 over-implementation of scheme, 181
 police, 332–333
 public service and nationality, 179–180
 right to hearing, 538
 spouses of citizens, 537
 validity of Community acts, 538
 Working Time Directive, 179
- European Convention on Human Rights,
 applicability, 77
 common law, 227–228
 derogations, 77
 development of common law, 227–228
 domestic law, in, 185
 exiting law, relationship with, 75–77
 family life, respect for, 185–186
 further ratifications, 77
 incorporation into U.K. law, 75–79, 103,
 223–233, 425
 interpretation, 225–227
 judicial review and, 228–232
 Labour's plans for, 75–79
 parliamentary sovereignty, 3, 96–105
 plans to incorporate, 75–79
 remedies, 78–79
 reservations, 77
 standing, 78
 statutory interpretation, 225–227
- European Court of Human Rights,
 U.K. in, 101–103
- European law,
 affirmative action, 53–54
 broadcasting, 175–176
 First Banking Directive, 39–42
 misfeasance and breaches of, 39
 parliamentary sovereignty, 4–5
 Working Time Directive, 179
- European Union,
 developments in, 181, 538
- Executive,
 judiciary, relationship with, 86
- Extradition,
 Commonwealth country, 540
 designated Commonwealth country, 540
 discretion, exercise of, 181
 exercise of discretion, 181
 Hong Kong, surrender to, 538–539
 nature of proceedings, 539–540
 United States, 539–540
- Family life, 185–186
- Federalism,
 Scottish devolution, 283–284
- Fees,
 administration of justice, 328–329, 533
- Fire Authorities,
 tortious liability, 347–348
- First Banking Directive, 39–42
- France,
 Conseil d'Etat. *See* Conseil d'Etat, decisions
 of
- Freedom of information,
 constitutional reform, 426
- Freedom of person,
 alcohol confiscation, 541
 arrest, powers of, 182
 identity cards, 182
 lawful search, 333, 541
 reasonable grounds for suspicion, 182
 search, power of, 182, 333, 541
 seizure, power of, 182, 541
 terrorism, prevention of, 182
 warrant, scope of, 541–542
- Freedom of property, 540–541
- Freedom of speech,
 blasphemy, 182–183
 Parliamentary, 113
 prisons, 344–345
 video certificate refusal, 182–183
- Freemasonry, 534
- Gay rights,
 United States, 315–327, 420–423

- Gender-neutral drafting,
Germany, 152
- General election, setting date for, 385-393
- Germany,
abortion, 153
access to personal information, 152-153
air traffic control privatisation, 147
armed forces, 149
Basic Law, 137-158
Bundestag, 150
confidentiality, 152-153
constitutional reform, 137-158
dissolution of Bundestag, 150
distribution of legislative powers, 146-147
European integration, 144-145
external deployment of armed forces, 149
family life, 153-154
foreigners voting in local elections, 145
gender-neutral drafting, 152
humanity, 155-156
Joint Constitutional Committee, 137
marriage, 153-154
minority groups, 154-155
nationality law of, 149-150
post office privatisation, 147
privacy, 152-153
privatisation, 147
railway privatisation, 147
referenda, 151
reunification, 137-154
revision of Basic Law, 137-158
salaries of Members of Parliament, 150-151
State aims, 147-149
states, reorganisation of, 145-146
strikes, 154
- Government,
Citizen's Charter, 183, 334
intelligence and security, 334
local. *See* Local government
machinery, 712
members' interests, 334
ministerial responsibility. *See* Ministerial responsibility
Next Steps Agencies, 334
official secrets, 712
open, 183
parliamentary questions, 183
quangos and 234-236
- Herbert, Jürgen, 692-703
- Harassment, protection from, 555-556, 557
- Health,
See also Medical treatment
Authority,
duty of care, 197-198
HIV workers, 197-189
Caesarian sections, 542-543
HIV, 197-198
human fertilisation, 184, 334-335
- Health—*cont.*
primary care, 542
private finance, 712
unconscious man, sperm taken from, 334-335
withdrawal of medical treatment, 184
- Highway, use of, 346
- HIV, 197-198
- Home Secretary,
judiciary and, 93
- Homelessness, 543
- Homosexuals, rights for,
United States, 315-327
- Hong Kong,
nationality, 549
surrender to, 538-539
- House of Commons, modernisation of
procedure in, 551-552
- House of Lords,
constitutional reform, 426
- Housing,
asylum seeker, duty to, 335
delegated legislation, 185
homelessness, 543
legislation, 184
statutes passed, 184
- Human fertilisation, 184, 334-335
- Human rights,
AIDS sufferer, removal of, 544
armed forces, 185
biased jury, 336-337
child sex abuse victims, 186
courts martial, 336
death penalty, 187
DTI inspectors, 544
European Convention on Human Rights. *See*
European Convention on Human Rights
family life, 185-186
interception of office telephones, 712-713
judiciary and, 93-94
private life, respect for, 336
respect for family life, 185-186
sado-masochistic activity, 336
self-incrimination, rule against, 186-187
transsexuals, 543-544
- Identity cards, 182
- IGC Bill, 425
- Immigration,
administrative detention, 623-629
assistance, availability of, 337
asylum. *See* Asylum
availability of assistance, 337
control, 190
destitute, duty to consider help for, 188
detention, 623-629
effectiveness of control, 190
fast track appeals, 187

Immigration—*cont.*

- fear of persecution, 189
- fresh application, 545
- internal flight alternative, 713–714
- keeping tribunal up to date, 190
- legality of procedures, testing, 189
- racial abuse, liability for, 190
- refugees, meaning of, 338
- safe third country rule, 545
- testing legality of procedures, 189
- up to date, keeping tribunal, 190
- working, bar on, 714

Immigration officers,
tort, 348

Immunity, judicial, 175, 704

Informers, 343

Inquiries. *See* Tribunals of inquiry

Intelligence and security,

- government, 334
- reports, 542

Intelligence Services Commissioner Report,
542

Interception of communications, 330, 535

Interim relief,

- delay, 166–167

Internet,

- statutory instruments on, 343

Ireland,

- Northern. *See* Northern Ireland
- Report of the Constitution Review Group,
55–65

Irrationality, 546

- education, 536

Israel,

- prosecutorial discretion, comparative study of
England and Israel, 513–531

Jersey,

- judicial review, 371–374

Jowell,

- rule of law, 485–486

Judicial review,

- alternative remedies, 545–546, 589–593
- amenability to, 547
- binding over orders, 556
- collateral challenge to enforcement decisions,
365–370
- Conseil d'Etat, decisions of, 351
- Criminal Injuries Compensation Board, 339
- criminal proceedings, 548
- cross-examination, 715
- delay, 548, 716
- errors of law and fact, 339
- irrationality, 546
- Jersey 371–374
- Legal Aid Board, 338
- legitimate expectations, 190–191, 375–384
- magistrates' court, 339–340
- mandatory requirement, 339

Judicial review—*cont.*

- Parliamentary Commissioner, 550–551
- parliamentary sovereignty, 3–4
- precedent fact, 191–192
- prior exhaustion of other remedies, 589–593
- private law and, 547, 715
- proof of precedent fact, 192
- prosecutorial discretion, comparative study of
England and Israel, 513–531
- quality of reasons, 191
- reasonableness of decision, 714
- relevant considerations, 714–715
- ultra vires* defence to criminal proceedings,
548
- wasted costs order, 547–548

Judiciary,

- appointment, 175, 534
- appraisal, 175
- Attorney-General, 91–92
- constitutionalism, 87–89
- democracy, in, 84–85
- departing from previous decisions, 174–175
- election, 84
- executive, relationship with, 86
- exercise of power by, 84–95
- freemasonry, 534
- Home Secretary and, 93
- human rights, 93–94
- immunity, 175, 704
- Lord Chancellor, 89–91
- monitoring, 175
- Parliament, relationship with, 85
- parliamentary sovereignty, 85, 96–112
- politicisation, 106–111
- removal of judge, 174
- role of, 84–95
- sentencing, 174–175
- separation of powers, 87–95
- statistics, 705
- statutory interpretation, 85
- training, 329
- weakest and least dangerous Department of
Government, 84–95
- witness, compellability as, 175

Jury,

- biased, 336–337
- contempt of court, 533
- race discrimination, 336–337

Just satisfaction,

- ECHR, in, 647–659

Justices of the Peace, 532

Laws, Sir John,

- rule of law, 479–481

Legal aid,

- advice and assistance, 330
- assistance by way of representation, 330
- Board, review of discretion, 338

- Legal profession,
 barrister's immunity, 717
 conduct, 192
 education, 192
 immunity, 716, 717
 provision of services, 340
 rights of audience, 340
 solicitors' immunity, 717
- Legitimate expectations, 190-191, 375-384
- Libel,
 Defamation Act 1996, 113-124
 Neil Hamilton's action, 113
 parliament, freedom of speech in, 113
 political, 113-124, 428-436, 558
 qualified privilege, 428-436
- Licences,
 broadcasting, 175
 Monopolies and Mergers Commission,
 410-409
 public entertainments, 549
 regulatory discretion in privatisation, 400-409
Scottish Power case, 401-409
- Lieutenancies, 535
- Local government,
 advertising regulation, 9
 boundary changes, 340
 bylaw, validity of, 192-193
 central government and, 193
 constitutional reform, 425
 mandatory rate relief, 549
 ombudsman, 194
 parish councils, 549
 powers, 717
 public entertainments licences, 549
 standards in public life, 718
 statutory nuisance, 193
 strengthening democracy, 193
ultra vires guarantee, 193
- London,
 constitutional reform, 425
 government, 717
 Lord Chancellor, 89-91
- Marches,
 Northern Ireland, 341
- Marriage,
 Germany, 153-154
- Media, self-regulation in, 6-17
 advertising regulation. *See* Advertising
 regulation
 Calcutt Committee, 6
 Code of Practice, press regulation, 7
 conclusions on, 16-17
 National Heritage Select Committee Report,
 7
 Press Complaints Commission, 6, 7, 8
 press regulation, 6-9
 Princess Diana, pictures of, 7
 public figures, 8
- Media, self-regulation in—*cont.*
 royal family, pictures of, 7-8
 self regulation, 12-16
 sports coverage, 8
 standards, press, 7-8
- Mediation,
 sex discrimination, 310-314
- Medical treatment,
 Caesarian sections, 542-543
 detaining patient, 712
 human fertilisation, 104, 334-335
 inability to consent, 335
 non-consensual treatment, 335, 542-543
 primary care, 542
 unconscious man, sperm taken from,
 334-335
 withdrawal of, 184
- Members' interests, 334
- Ministerial responsibility, 262-282
 accountability to Parliament, 542
 accountability,
 location of responsibility, 273-274
 Next Steps Agencies and, 272-273
 responsibility, distinguished, 271-272
 select committees, 272-273
 administration/operations and policy
 distinction, 268-270
 ambiguity, 267-268
 confusion in, 267-268
 diminution of ministerial responsibilities,
 277-278
 effectiveness, 282
 elements of, 266-272
 framework of accountability, 280-281
 location of responsibility, 273-274
 Next Steps Agencies, 272-277
 open government and, 183
 Public Service Select Committee Report,
 334
 resignation, 278-280
 resolution on, 262-266
 responsibility, 271-272
 select committees, 272-273
 twentieth century definition, 280-281
- Minority groups,
 Germany, 154-155
- Minors,
 privacy, 410-419
- Miscarriages of justice, compensation for, 328
- Misfeasance in public office, 32-42
 ascertaining state of mind, 35-36
 BCCI case, 32-42
 causation, 38
 Community law, liability for breaches of,
 39-42
 consequences of action, 34-35
 deliberate or wilful refusal, 37
 development of tort, 36
 economic tort, as, 33
 establishing tort, 35

- Misfeasance in public office—*cont.*
 European law, 39–42
 foreseeability of damage, 35
 knowledge that injury probable, 35
 liability, 32–42
 malice, 34, 37
 mental element, 33–38
 necessary elements of, 33–38
 police, 198
 reasonably foreseeable, 36
 recklessness, 35, 37
 Three Rivers Case, 32–42
 Mitchell principles, 550
 Molony Committee, 9
 Monitoring,
 judiciary, 175
 Monopolies and Mergers Commission, 401–409
- Nationality,
 Germany, 149–150
 Hong Kong, 549
 naturalisation, 194
 Natural justice,
 appearance of bias, 549
 bias, 549
 enquiry, need to hold, 194–195
 fairness, enquiry, need to hold, 194–195
 naturalisation, 194
 sporting bodies, 340–341
 Naturalisation,
 natural justice, 194
 New Public Management, 246–247
 Next Step Agencies, 334
 North Wales child abuse tribunal, 24–26
 Parliament's role, 27–29
 Northern Ireland,
 decommissioning of arms, 550
 devolution, experience of, 660–671
 employment equality, 550
 marches, 341
 Mitchell principles, 550
 police complaints, 344
 parades, 341
 public order, 550
 Nursery education, 178
- Official secrets, 712
 Ombudsman,
 local government, 194
 Parliamentary Commissioner, 550–551
 pensions, 341–342
 reports, 195, 342, 551, 718
 Scottish Legal Services, 550
 Open government, 183
- Parades,
 Northern Ireland, 341
- Parish councils, 549
 Parliament,
 constitutional reform, 425–426
 decline of, 250–252
 disqualifications, 342
 electronic devices, 343
 freedom of speech, 113
 general election, 551
 House of Commons, 718
 House of Lords, 426
 improper pressure, 343
 judiciary, relationship with, 85
 life peers, 719
 Ministerial leads in, 426
 modernisation of House of Commons, 718
 peerage, 552
 privileges, 196, 718, 719
 procedure, 551–552
 questions, 183
 Scottish Grand Committee, 718–719
 sovereignty. *See* Parliamentary sovereignty
 standards, 196, 718
 statutory instruments, 343
 statutory instruments, 195
 succession to peerage, 552
 Parliamentary Commissioner,
 administrative procedures, delays in, 159–157
 judicial review, 550–551
 Parliamentary questions, 183
 Parliamentary sovereignty,
 Australia, 2
 Bill of Rights, 2–4, 96–112
 common law, 97–99
 Commonwealth, 96–112
 competence, judicial, 99–100
 devolution, 2–3
 Dicey, 1
 European Convention, 3, 96
 European law, 4–5
 fundamental freedoms, 97–99
 judicial review, 3–4
 judiciary and, 85, 96–112
 limits, 1–3
 new horizons of, 1–3
 override clauses, 4
 rights argument, 2
 Scottish devolution, 2–3, 292–293
 Woolf Report, 1–3
 Parole Board,
 duties, 197
 reports, 197
 Pensions Ombudsman, 341–342
 Police,
 alcohol confiscation, 541
 anonymity, 343
 arrest, 182
 complaints, 344
 damages awards against, 343–344
 discrimination in provision of services, 196
 drawing of inferences, 196

- Police—*cont.*
 entry by, 540–541
 European Community, 332–333
 freemasonry, 534
 inferences, drawing of, 196
 informers, 343
 legislation, 552–553
 misfeasance in public office, 198
 performance indicators, 196
 property interference by, 540–541
 provision of services, 196
 race discrimination, 196
 reports, 553
 retention of papers, 345
 search, 182, 541
 seizure, 182, 541
 sex offenders, 553
 special constables, 553
 unclaimed property, 553
 waiver of anonymity, 343
 warrant, scope of, 541–542
- Police Complaints Authority, 719
- Political libels, 113–124, 428–436, 558
- Political parties,
 advertising regulation, 9–10, 11–12, 176
 funding, 331
- Press Complaints Commission, 6, 7, 8
- Press regulation,
 court cases, coverage affecting, 329
 self-regulation, 6–9
- Primary purpose rule, 546
- Prime Minister,
 "kissing hands", 587–588
- Prisons,
 Chief Inspector's report, 197
 communications with media, 344–345
 detention during Her Majesty's pleasure, 344, 554
 freedom of speech, 344–345
 journalists visiting prisoners, 344–345
 legislation, 553–554
 legitimate expectations, 190–191
 parliamentary questions, 554–555
- Parole Board,
 duties, 197
 reports, 197
 previous decisions, departure from, 174–175
 private sector involvement, 555
 reports, 555, 720
 security classification, 720
 sentencing, 553–554
 service, 555
 tariffs, 719–720
 time spent in custody, 174–175
 visits, 345
- Privacy,
 advertising regulations, 10
 Germany, 152–153
 minors, 410–419
- Privatisation,
 Germany, 147
- Privileges,
 parliament, 196
- Procedure,
 binding over orders, 556
 Crown Prosecution Service duties, 345
 disclosure to defence, 720–721
 retention of papers, 345
 sexual offences, 555
- Proportional representation, 427
- Public entertainments licences, 549
- Public interest immunity,
 administration of certification, 177
 asserting, 707
 certificates, 177, 213
 civil and criminal litigation, distinction
 between, 212–213
 class claims, 212
 development of law by courts, 213
 new approach to 211–214
 police documents, 706
 scope, 176
 Serious Fraud Office, 176
 time for assessment of claim, 213
- Public office, misfeasance in. *See* Misfeasance in public office
- Public order,
 assault, 721
 harassment, protection from, 555–556
 highway, use of, 346
 legislation, 555–556
 Northern Ireland, 550
 police powers, 182
 travellers, 346
- Public/Private law divide, 630–646
- Public Service Select Committee Report, 334
- Quangos,
 government and, 234–236
- Race discrimination. *See* Discrimination
- Raz, Joseph, 468–470, 484–485
- Referenda,
 Germany, 151
 Republic of Ireland, 125–136
 Scotland, 579–586
 Wales, 579–586
- Refugees, meaning of, 338
- Regional government,
 constitutional reform, 69–70
- Remedies,
 European Convention on Human Rights, 78–79
- Removal of judge, 174
- Report of the Constitution Review Group, 55–65

- Republic of Ireland,
 constitutional change, 125-136
 referenda, 125-136
 Report of the Constitution Review Group
 55-65
 written constitution, 125
- Resignation,
 ministerial responsibility, 278-280
- Resource accounting, 437-445
 assets, 440
 audit, 441
 central government, 439-442
 departmental boundaries, 440-441
 forms of, 439-440
 implementation, 442
 liabilities, 440
 meaning, 438-439
 resource budgeting, 442-443
 rules of, 443-445
- Restitution,
 judicial review and, 603-614
 procedure, 607-613
 right to, 604-607
 substance, 607-613
- Rights of audience, 340
- Rule of law,
 Allan, 481-484
 analytical framework, 467-487
 conclusions on, 487
 Dicey, 470-474
 Dworkin, 477-479
 formal conceptions of, 467-477
 Jowell, 485-486
 Laws, Sir John, 479-481
 Raz, Joseph, 468-470, 484-485
 substantive conceptions of, 477-484
 Unger, 474-477
- Sado-masochistic activity, 336
- Safe third country rule, 545
- Salmon report, 19-20
- Same sex marriage,
 United States, 315-327
- Satellite broadcasting, 705
- Schools. *See* Education
- Scott Inquiry,
 controversy, 18-19
 effect of, 18
 government's response to recommendations,
 334
 procedures, 22-23
 Salmon principles, 22
- Scottish devolution, 283-297
 constitutional reform, 70, 424-425
 courts, role of, 283-297
 demarcation disputes, 283-297
 federalism, 283-284
 judicial review and, 285-287
 Northern Ireland experience, 660-671
- Scottish devolution—*cont.*
 parliamentary sovereignty, 2-3, 292-293
 referendum, 579-586
 Scotland Act 1978, 287-292
 West Lothian question, 70
- Search, power of,
 controlled drugs, 333
 freedom of person, 182, 333, 541
- Second chamber,
 constitutional reform, 70-74
- Security Service Commissioner Report, 542
- Seizure, power of,
 freedom of person, 182, 541
- Select committees,
 ministerial responsibility, 272-273
- Self-incrimination, rule against, 186-187
- Sentencing,
 custody, time spent in, 174-175
 judiciary, 174-175
 legislation on, 553-554
 mandatory, 553-554
 time spent in custody, 174-175
- Separation of powers, 87-95
- Serious Fraud Office,
 contempt of court, 704
 public interest immunity, 176
- Sex discrimination,
 alternative dispute resolution, 298-314
 advantages of, 302-305
 Australia, 298-299
 disadvantages, 305-310
 generally, 298
 impetus in Great Britain, 300-302
 mediation, 310-314
 procedures, 298-300
 United States, 298-299
 mediation, 310-314
- Social security,
 assessment of needs, 346-347
 asylum, 394-399
 evaluating needs, 556
 needs assessment, 346-347
 overpayments, 197
- Solicitor-General, 704
- South Africa,
 Bill of Rights, 100-101
 constitutionalism, 672-691
 multiculturalism, 672-691
- Standards,
 parliament, 196
- Standing,
 European Convention on Human Rights, 78
 Woolf Report, 218-219
- Statutory duty, breach of,
 Crown Prosecution Service, 198
- Statutory instruments,
 Internet, 343
 printing, 195
- Statutory interpretation,
 judiciary, 85

- Statutory nuisance,
 local government, 193
- Strikes,
 Germany, 154
- Striking out,
 abuse of process, 533
- Sweden,
 constitution, 488-512
 protection of constitutional rights in,
 488-512
- Terrorism, prevention of, 182
- Three Rivers* case, 32-42
- Tort,
 advice, negligent, 557
 coastguards, duty of care of, 721-722
 children in care, 557-558
 Fire Authorities, 347-348
 harassment, 557
 health authority duty of care, 197-198
 immigration officers, 348
 negligent advice, 557
 nuisance, 557
- Town and country planning,
 estoppel *per rem iudicatam*, 348
 reasons, no duty to give, 722
- Training,
 judiciary, 329
- Transsexuals, 543-544
- Travellers,
 public order, 346
- Tribunals of inquiry,
 1921 Act, 19-20
 Crown Agents tribunal, 20-22
 Dunblane tribunal, 23-24
 future of, 29-31
 North Wales child abuse tribunal, 24-26
 return of, 19-20
 Salmon Report, 19-20
- Tribunals of inquiry—*cont.*
 Scott inquiry, 18-19, 22-23
- United States,
 extradition, 539-540
 full faith and credit clause, 321-326
 gay rights, 315-327, 420-423
 homosexuals, rights for, 315-327
 same sex marriage, 315-327
 sex discrimination, 197-198
- Video certificate refusal, 182-183
- Wales,
 referendum on devolution,
 Warrant, scope of, 541-542
- Wasted costs order, 547-548
- Watchdogs, constitutional, 234-244
- West Lothian question, 70
- Whistleblowing,
 ECHR, 596-602
 meaning, 594
 public sector, 594-602
 U.K. protection, 594-596
- Witness,
 compellability of judiciary, 175
 competency of judiciary, 175
 judiciary as, 175
- Woolf Report,
 alternative remedies, 219
 costs, 220
 implementation, 175
 parliamentary sovereignty, 1-3
 public law element, 215-222
 public and private law, 220-221
 standing, 218-219
 strategy for implementing, 175
- Working time Directive, 179



